

OPINION
45-73

June 25, 1945 (OPINION)

CERTIFICATES OF INDEBTEDNESS

RE: Basis For

This office is in receipt of your letter dated June 21 asking for our interpretation of section 21 0202 of the North Dakota Revised Code of 1943 with reference to the basis for issuing certificates of indebtedness by counties, cities, villages, townships, school districts, park districts and irrigation districts.

Your specific question is as to whether the current year, as used in said section, contemplates the assessed valuation of 1945 or 1944.

The statute provides that the aggregate amount of borrowings at any time shall not exceed the amount of uncollected taxes which have been levied during the year in which the borrowing is made, plus uncollected taxes remaining upon the tax lists of the four preceding years, exclusive of levies for the purpose of retiring bond issues and interest thereon.

For the purpose of issuing certificates of indebtedness, current year would be the fiscal year. If, therefore, the borrowing or the issuing of certificates of indebtedness is made during the present fiscal year, the aggregate amount of borrowing would have to be within the amount of uncollected taxes levied during the present fiscal year plus uncollected taxes remaining upon the tax lists of the four preceding years.

However, if the borrowings are made and certificates of indebtedness issued after the end of the present fiscal year, the basis therefor would be the taxes levied for the new fiscal year, plus the uncollected taxes levied during the four preceding years.

In connection with this matter, it should be observed that the basis for the levies of the ensuing fiscal year cannot be determined until after the several boards of equalization have met and a final equalization by the state equalization board since the final valuation is not fixed until the state board of equalization has acted thereon.

NELS G. JOHNSON

Attorney General